

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Heike Gielen-Haertwig

Application No.: 10/527,391
Assigned Patent No. 7,615,561
To be issued: November 10, 2009

Confirmation No.: 8624

Filed: October 21, 2005

Art Unit: 1624

For: PYRIMIDINONE DERIVATIVES AS
THERAPEUTIC AGENTS AGAINST ACUTE
AND CHRONIC INFLAMMATORY,
ISCHAEMIC AND REMODELLING
PROCESSES

Examiner: D. R. Rao

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF ELECTRONIC FILING

Date of Electronic Transmission: October 30, 2009

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR 1.6(a)(4):

/Gabriel J. McCool/
Signature of Person Transmitting Paper

**PETITION TO WITHDRAW FROM ISSUE UNDER
37 C.F.R. § 1.313(c)(2) SUBSEQUENT TO PAYMENT OF ISSUE FEE**

Dear Commissioner:

A Notice of Allowance was mailed on April 10, 2009 in the above application, setting a three-month date for payment of the requisite Issue Fee and related Publication Fee, both of which Applicants unintentionally failed to timely pay by the deadline of July 10, 2009. The application was abandoned as of July 11, 2009. A Notice of Abandonment was mailed on July 28, 2009. Applicants filed a Petition to revive this application under 37 CFR 1.137(b), which was granted pursuant to the September 14, 2009 Decision On Petition.

After filing the Petition, Applicants became aware of additional references to be made of record in this application.

Accordingly, by this submission, Applicants hereby petition for the withdrawal of this application from issue pursuant to 37 C.F.R. § 1.313(c)(2), which requires:

- (a) a Request for Continued Examination in compliance with 37 C. F. R. § 1.114; and
- (b) the fee set forth 37 C.F.R. § 1.17(h).

These requirements are believed to be satisfied by this submission.

REQUEST UNDER 37 C.F.R. § 1.313(c)(2)

Pursuant to the requirements of 37 C.F.R. § 1.313(c)(2), Applicants hereby submit a Request for Continued Examination (RCE) in compliance with 37 C.F.R. § 1.114. This RCE is further being submitted together with an Information Disclosure Statement and references for consideration in this application, which is believed to constitute “a submission” under 37 C.F.R. §1.114(a). The requisite fee under 37 C.F.R. §1.17(e) for the RCE filing is authorized below.

PETITION FEES

The Commissioner is authorized to charge any fee(s) required by this submission to our Deposit Account No. 04-1105 under Reference No. 82439US(303989), including but not limited to, the petition fee under 37 C.F.R. Section 1.17(h) in the amount of \$130.00, and the fee under 37 C.F.R. Section 1.17(e) for the RCE in the amount of \$810.00.

CONCLUSION

Applicants respectfully request review of the petition prior to issuance of the patent on November 10, 2009 so that the RCE and Information Disclosure Statement being submitted by this same date may be considered. Prompt issuance of a new Notice of Allowance is respectfully requested. The Office is invited to contact the undersigned in the event there is any impediment to allowance.

Regarding the remarks in the September 14, 2009 Decision, Applicants wish to clarify that no change of correspondence address is desired to be made in this application. Thus, Applicants intend and desire that the Office continue to send all correspondence to the address of record: Barbara A. Shimei, Director, Patents & Licensing, Bayer HealthCare LLC – Pharmaceuticals, 555 White Plains Road, Third Floor, Tarrytown, NY 10591.

Dated: October 30, 2009

Respectfully submitted,

/Gabriel J. McCool/

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